

# In The Indiana Supreme Court

**In the Matter of Local Rule Amendment  
Special Judges Civil and Criminal Matters**

## **PROPOSED KNOX COUNTY LOCAL RULE AND AMENDMENTS TO EXISTING LOCAL RULES**

The Judges of the Knox Circuit Court, the Knox Superior Court 1 and the Knox Superior Court II, pursuant to Trial Rule 81(D), now find that good cause exists to deviate from the schedule established by the Division of State Court Administration for the publishing of local rules and find that the following amendments and new local rule shall be adopted in compliance with the provisions of Trial Rule 81. The amended LR42-TR79-1.0 and LR42-CR2.2-2.0, after posting for 30 days in the Knox County Clerk's Office and on the Knox County Clerk's website, and on the Indiana Judicial website, and after approval by the Indiana Supreme Court, shall be effective January 1, 2008. The newly adopted local rule at LR42-AR00-3.5, after posting for 30 days in the Knox County Clerk's Office and on the Knox County Clerk's website, and on the Indiana Judicial website, shall be effective January 1, 2008.

**Dated this 31<sup>st</sup> day of October, 2007.**

\_\_\_\_\_/S/\_\_\_\_\_  
Sherry L. Biddinger Gregg  
Judge, Knox Circuit Court

\_\_\_\_\_/S/\_\_\_\_\_  
W. Timothy Crowley  
Judge, Knox Superior Court I

\_\_\_\_\_/S/\_\_\_\_\_  
Jim R. Osborne  
Knox Superior Court II

**LR42-TR79-1.0**

**SPECIAL JUDGES (Civil Matters)**

**A. KNOX CIRCUIT COURT:** This provision is adopted by the Court due to the large number of recusals that will be necessitated by the filing of an appearance by John R. Gregg, attorney at law, the former spouse of the regular Judge of this Court.

1. In all cases under ES and EU cause numbers, the Honorable ~~Robert L. Arthur~~ Dean Sobecki of the ~~Daviess Circuit~~ Superior Court shall automatically qualify and serve as Special Judge therein.
2. In the event the Special Judge serving under paragraph 1 above disqualifies for any reason, the successor Judge shall be chosen pursuant to the provisions of paragraph B & C below as in all other cases.

**B. SELECTION OF SPECIAL JUDGE BY AGREEMENT OF THE PARTIES:**

Pursuant to the provision of Indiana Trial Rule 79(D), the parties may agree on an eligible Special Judge within seven (7) days of the Order granting a change of Judge, and file a written agreement indicating their selection with the appropriate Court.

**C. SELECTION OF SPECIAL JUDGE BY CLERK:** Pursuant to the provisions of Indiana Trial Rule 79(H), in the event an agreement pursuant to paragraph C above is not filed with the appropriate Court within seven (7) days, then a Judge from one of the following lists, who have agreed to serve as Special Judge, shall be appointed:

**Knox Circuit Court:**

~~Judge W. Timothy Crowley~~  
~~Judge Jim R. Osborne~~  
~~Judge Robert L. Arthur~~  
~~Judge Dean A. Sobecki~~  
~~Judge Jeffrey L. Biesterveld~~  
~~Judge R. Joseph Howell~~  
Judge of the Knox Superior Court 1  
Judge of the Knox Superior Court II  
Judge of the Daviess Circuit Court  
Judge of the Daviess Superior Court  
Judge of the Pike Circuit Court  
Judge of the Martin Circuit Court

**Knox Superior Court 1:**

~~Judge Sherry L. Biddinger Gregg~~  
~~Judge Jim R. Osborne~~  
~~Judge Robert L. Arthur~~  
~~Judge Dean A. Sobecki~~  
~~Judge Jeffrey L. Biesterveld~~  
~~Judge R. Joseph Howell~~  
Judge of the Knox Circuit Court  
Judge of the Knox Superior Court II  
Judge of the Daviess Circuit Court  
Judge of the Daviess Superior Court  
Judge of the Pike Circuit Court  
Judge of the Martin Circuit Court

**Knox Superior Court II:**

~~Judge Sherry L. Biddinger Gregg~~  
~~Judge W. Timothy Crowley~~  
~~Judge Robert L. Arthur~~  
~~Judge Dean A. Sobecki~~  
~~Judge Jeffrey L. Biesterveld~~  
~~Judge David Holt~~  
~~Judge R. Joseph Howell~~  
Judge of the Knox Circuit Court  
Judge of the Knox Superior Court 1  
Judge of the Daviess Circuit Court  
Judge of the Daviess Superior Court  
Judge of the Pike Circuit Court  
Judge of the Greene Superior Court  
Judge of the Martin Circuit Court

The Clerk shall select a Judge to be assigned by drawing a name from the above-listed Judges, according to the appropriate list, and from time to time thereafter from the remaining Judges until all listed Judges have been assigned an equal number of cases.

- E. CHANGE OF JUDGE:** In all cases, the appointment and qualification of a Special Judge as specified in this rule shall not affect the rights of the parties under Indiana Trial Rule 79 to petition for change of Judge.

**LR42-CR2.2-2.0**

**ASSIGNMENT OF CRIMINAL CASES; SPECIAL JUDGES (Criminal Matters)**

This rule is adopted pursuant to Indiana Criminal Rules 2.2, 12 and 13 for the assignment of cases and selection of a Special Judge in criminal matters.

**A. MURDER CASES:**

Murder cases shall be assigned to the Knox Circuit Court and the Knox Superior Court 1 on an equal basis.

**B. CLASS A, B, AND C FELONY CASES:**

All class A, B, and C felonies shall be assigned to the Knox Circuit Court and Knox Superior Court 1 on an equal basis. In the event a case charges both a Class A, B, and C felony and also a Class D felony or misdemeanor offense, the case shall be considered a Class A, B, or C felony for assignment to Knox Circuit Court or Knox Superior Court 1.

**C. NEGLECT AND NON-SUPPORT CASES:**

Cases involving neglect of a dependent or child selling filed under I.C. 35-46-4 shall be filed in the Knox Superior Court 1. Felony non-support cases filed under I.C. 35-46-1-5 or I.C. 35-46-1-6 shall be assigned to the Court that issued the original support Order.

**D. JUVENILE OFFENDERS WAIVED TO ADULT STATUS:**

The Knox Superior Court 1 shall be assigned the cases of juvenile offenders waived to adult status following a waiver of juvenile jurisdiction pursuant to I.C. 31-30-3.

**E. METHAMPHETAMINE POSSESSION AND PRECURSORS CASES:**

All methamphetamine possession cases filed under I.C. 35-48-4-7 and all methamphetamine precursors cases filed under I.C. 35-48-4-14.5 shall be assigned to the Knox Circuit Court and the Knox Superior Court 1 on an equal basis.

**F. INVASION OF PRIVACY:**

A misdemeanor charge of invasion of privacy pursuant to I.C. 35-46-1-15.1 shall be assigned to the Court that issued the original protective order, workplace violence restraining order or no contact order.

**G. CLASS D FELONY, MISDEMEANOR AND INFRACTION CASES:**

Other than those cases assigned to the Knox Circuit Court or the Knox Superior Court 1 pursuant to the provisions of paragraphs C, D, E, and F above, all D felony cases, all misdemeanor cases and all infraction cases shall be assigned to the Knox Superior Court II.

**H. SUBSEQUENT FELONY CHARGES:**

In the interests of judicial economy, if a person has a felony charge pending in the Knox Circuit Court or the Knox Superior Court 1, all subsequent felony charges filed against that same person shall be filed in the Court where the original felony charge is pending. This provision shall take precedence over the other provisions of this rule set forth above.

**I. SEPARATE FELONY CHARGES IN DIFFERENT COURTS:**

If a person has separate felony charges pending in more than one Court in Knox County, the State, at its option, may dismiss the more recent felony charge or charges and re-file said charges in the Knox County Court having the oldest pending felony charge against the person. In the event the State dismisses and re-files charges against a person, the State shall provide a copy of the Chronological Case Summary (CCS) to the Court where the charges are to be re-filed so that said Court will be advised of any potential tacking problem.

**J. ASSIGNMENT OF SPECIAL JUDGES:**

In the event of the recusal of a Judge, a change of Judge, or when it becomes necessary to assign another Judge in any criminal case, the case shall be assigned to one of the following Judges who have agreed to serve as a Special Judge in that Court:

**Knox Circuit Court:**

~~Judge W. Timothy Crowley~~  
~~Judge Jim R. Osborne~~  
~~Judge Robert L. Arthur~~  
~~Judge Dean A. Sebecki~~  
~~Judge Jeffrey L. Biesterveld~~  
~~Judge R. Joseph Howell~~  
Judge of the Knox Superior Court 1  
Judge of the Knox Superior Court II  
Judge of the Daviess Circuit Court  
Judge of the Daviess Superior Court  
Judge of the Pike Circuit Court  
Judge of the Martin Circuit Court

**Knox Superior Court 1:**

~~Judge Sherry L. Biddinger-Gregg~~  
~~Judge Jim R. Osborne~~  
~~Judge Robert L. Arthur~~  
~~Judge Dean A. Sebecki~~  
~~Judge Jeffrey L. Biesterveld~~  
~~Judge R. Joseph Howell~~  
Judge of the Knox Circuit Court  
Judge of the Knox Superior Court II  
Judge of the Daviess Circuit Court  
Judge of the Daviess Superior Court  
Judge of the Pike Circuit Court  
Judge of the Martin Circuit Court

**Knox Superior Court II:**

~~Judge Sherry L. Biddinger-Gregg~~  
~~Judge W. Timothy Crowley~~  
~~Judge Robert L. Arthur~~  
~~Judge Dean A. Sebecki~~  
~~Judge Jeffrey L. Biesterveld~~  
~~Judge David Holt~~  
~~Judge R. Joseph Howell~~  
Judge of the Knox Circuit Court  
Judge of the Knox Superior Court 1  
Judge of the Daviess Circuit Court  
Judge of the Daviess Superior Court  
Judge of the Pike Circuit Court  
Judge of the Greene Superior Court  
Judge of the Martin Circuit Court

The Clerk is to select a Judge to be assigned by drawing a name from the above-listed Judges, for the appropriate Court, and from time to time thereafter from the remaining Judges until all the listed Judges have been assigned an equal number of cases.

**LR42-AR00-3.5**  
**JURY SYSTEM PLAN FOR THE SELECTION OF JURORS IN**  
**KNOX COUNTY, INDIANA**

It is the intent of the Knox County Courts of Record to establish a jury system that will be less of a burden on the citizenry, economically feasible and efficient and allow more citizens to participate in the justice system. The Courts endeavor to make jury duty educational and meaningful for citizens while minimizing disruptions to their lives.

If selected and sworn for a trial, the juror serves for the duration of the trial. If not selected that day, the individual is excused. In either case, the juror will not be eligible to be summoned again for a period of no less than 24 months from the date of the juror's summons.

**Definitions:**

**Jury Administrator** – Jury Administrator means the Knox County Clerk and any Deputy Clerk designated to administer the jury selection process in Knox County.

**Jury Pool** – Annual pool of names selected from Knox County lists approved by the Supreme Court (Supreme Court Rule No. 2).

**Jury Panel** – Names randomly selected from the Jury Pool as needed to establish names for jury qualification and selection.

**Sub-Panel** – Prospective names randomly selected from the Jury Panel who qualify to serve as jurors and are summoned to appear for a specific date.

**Supervision:**

All Knox County Judges will supervise the jury system processes.

**Term of Service:**

A person who appears for service as a petit juror serves until the conclusion of the first trial in which the juror is sworn, regardless of length of the trial or the manner in which the trial is disposed.

A person who:

- (1) serves as a juror, or
- (2) serves until jury selection is completed but is not chosen to serve as a juror, may not be selected for another jury panel until all non-exempt persons on the Jury Panel have been called for jury duty unless said juror requests, in writing, to remain eligible.

**Random Draw:**

The Courts have authorized a “computerized random jury selection system” pursuant to I.C. 33-28-5-10.

Annually (and at such other times as the Judges deem necessary), the Judges will prepare a written Order to draw Circuit and Superior Courts’ grand and petit jurors for the upcoming year. The Order or Orders shall be filed with the Clerk of the Courts with a copy to the Jury Administrators.

**Petit Jurors:**

The Jury Administrator for each Court shall draw qualified jurors from the Jury Panel. The number of petit jurors contained in a Sub-Panel for civil and/or criminal cases shall be as directed by the Judges.

**Qualifications:**

In Order to be eligible for Jury service, a person shall state under oath that he or she is:

1. A citizen of the United States;
2. At least 18 years of age;
3. A resident of Knox County;
4. Able to read, speak and understand the English language;
5. Not suffering from a physical or mental disability that prevents him or her from rendering satisfactory jury service;
6. Not under guardianship appointment because of mental incapacity;
7. Not a person who has had rights to vote revoked by reason of a felony conviction and whose rights to vote have not been restored; and
8. Not a law enforcement officer, if the trial is a criminal case.

**Deferral:**

Deferral is a request to be relieved from any instance of jury service. Upon showing undue hardship, extreme inconvenience or public necessity, a qualified juror



may request a deferral of jury service to a time not to exceed twelve (12) months from original selection.

Every summons sent to prospective jurors will include instructions to follow when requesting to be deferred. The facts support a request for deferral must be recorded under oath or affirmation pursuant to Indiana Jury Rule 8. The preferred practice is for the juror to mail a written request under oath; however, in emergency situations the Court may make a recording of oral testimony from the juror by telephonic means, if such means are available. The request for deferral must be received by the Court and acted upon prior to the commencement of voir dire in the trial from which the juror seeks deferral. The written request for deferral or oral record of evidence shall be retained for a period of two years in the manner provided by this plan under the record keeping section. Deferral requests received after the commencement of voir dire in the trial for which a juror was called shall not be approved.

**Juror Safety and Privacy:**

Personal information not disclosed in open Court is confidential, other than for the use of the parties and counsel during the trial.

**Record Keeping:**

The record of names drawn, jurors qualified, and juror deferrals shall be maintained by the Jury Administrators. The method of maintaining juror records will follow protocol established to comply with all applicable Indiana Code sections either in hard copy or digital format. All jury related data will be archived for a period of not less than two (2) years.

**Sanctions for Non-compliance:**

The Judges may at such times as they deem necessary, impose penalties pursuant to I.C. 33-28-5-17, I.C. 33-28-5-21 and I.C. 33-28-5-24 for non-compliance.